

MARCUS JONES	§	
v.	§	CIVIL ACTION NO. 6:14cv256
DIRECTOR, TDCJ-CID	§	

The Petitioner Marcus Jones, proceeding *pro se*, filed this application for the writ of habeas corpus challenging the legality of his conviction. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Jones was convicted of retaliation, enhanced by one prior felony conviction, receiving a sentence of 15 years in prison. This is the third federal habeas corpus petition which Jones has filed challenging his retaliation conviction. The Respondent has filed a motion to dismiss the petition as successive, to which Jones did not file a response.

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The Court has carefully reviewed the pleadings and documents in this case, as well as the report of the magistrate judge. Upon such review, the Court has concluded that the report of the magistrate judge is correct. It is accordingly

**ORDERED** that the report of the magistrate judge (docket no. 15) is hereby **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled application for the writ of habeas corpus is hereby **DISMISSED WITH PREJUDICE** as to its refiling without first obtaining permission from the Fifth Circuit, but without prejudice as to its refiling once such permission has been obtained. It is further

**ORDERED** that the Petitioner Marcus Jones is **DENIED** a certificate of appealability *sua sponte*; this denial refers only to an appeal of the decision in this case and shall have no effect upon Jones' right to seek permission from the Fifth Circuit to file a successive petition. Finally, it is

**ORDERED** that any and all motions which may be pending in this action are hereby **DENIED**.

**SIGNED this 4th day of March, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE